The Port Authority of NY & NJ Memorandum

TO: A. Barber, R. Kelly, P. LaRocco, L. Liburdi, D. Plavin
FROM: Richard Peduto
DATE: January 23, 1990
SUBJECT: DISCLOSURE OF ASBESTOS CONTAINING MATERIAL

COPY TO: S. Berger, F. Falvey, S. Frigand, J. Haupert, K. MacKay, R. Monti, H. O'Neill, J. Vanacore, B. Weintrob

Since the accidental or planned disturbance of asbestos containing material may cause it to emit fibers and become hazardous, asbestos disturbance should be handled prudently, safely and in compliance with Port Authority policy. In recent meetings with your senior staff, Milton Pachter and I discussed our responsibility to disclose the presence of asbestos containing materials in property to be sold or within a leasehold space.

For a variety of reasons enumerated below, when it is reasonable to believe that asbestos is present in Port Authority or PATH property to be leased or sold, tenants and purchasers should be advised. Those engaged in selling or leasing space should review facility asbestos baseline surveys and other available information to ascertain if asbestos containing material is present within the space to be leased or sold, and to disclose such information. This disclosure should be accomplished prior to the consummation of the transaction with tenants and potential buyers of Port Authority property. This action is prudent for the following reasons:

- The availability of facility baseline asbestos surveys.
- The need to disclose material facts within the knowledge of the Port Authority pertaining to its property transactions.
- Potential hazards from unwittingly disturbing asbestos material.
- Federal and, where appropriate, state and local regulatory compliance requirements when asbestos is disturbed, either inadvertently or by design.
- Significant economic and time implications of proper asbestos abatement work.
- Compliance with our own policies and Tenant Alteration Application (TAA) procedures.

Prior to the consummation of a lease or sale, Asbestos Control Program staff is available if you or members of your staff think it appropriate. If you think it helpful, I am available to more fully brief members of your property negotiating staff concerning this policy as well as any other asbestos related issues.

Richard Peduto
Director
Asbestos Control Program